

EXHIBIT 38

ORAL DEPOSITION OF RENEE BECKHAM, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above styled and numbered cause on Thursday, February 13, 2025, from 9:10 a.m. to 2:49 p.m., before DONNA QUALLS, Notary Public in and for the State of Texas, Notary ID No. 12161359, reported by computerized stenotype machine, at the offices of Houston City Hall Annex, 900 Bagby Street, 4th Floor, Houston, Texas, pursuant to the Federal Rules of Civil Procedure, and any provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF, FOOD NOT BOMBS AND BRANDON WALSH:

RANDALL HIROSHIGE

CHRISTINA BEELER

TEXAS CIVIL RIGHTS PROJECT

1405 Montopolis

Austin, Texas 78741

(512) 474-5073

randy@texascivilrightsproject.org

christinab@texascivilrightsproject.org

FOR THE PLAINTIFF, PHILLIP PICONE:

RANDALL L. KALLINEN

KALLINEN LAW FIRM

511 Broadway Street

Houston, Texas 77012

(713) 320-3785

attorneykallinen@aol.com

FOR THE DEFENDANT, CITY OF HOUSTON:

LUCILLE ANDERSON

KENNETH S. SOH

CITY OF HOUSTON LEGAL DEPARTMENT

P.O. Box 368

Houston, Texas 77001-0368

(832) 393-6491

mlucille.anderson@houstontx.gov

kenneth.soh@houstontx.gov

Also Present:

Natoya Inglis

Anamaria Kheveli

Rihika Kumar

Renee Beckham

February 13, 2025
Page 105

1 Q. Okay.

2 A. -- in that chain.

3 Q. But in 2000- -- in October of 2023, charitable
4 feedings were still not allowed at city parks, right?

5 A. Right.

6 Q. And again, it was the mayor's office -- or
7 strike that.

8 The decision to resume charitable feeding
9 at city parks was with the mayor's office, right?

10 A. Yes.

11 Q. Okay. And so in 2023, do you know if there was
12 any plan to resume charitable feeding at city parks?

13 A. No, sir.

14 Q. As it -- was there a plan to resume charitable
15 feeding at city parks in 2023?

16 A. No, sir, not that I'm aware of.

17 Q. Okay.

18 MR. HIROSHIGE: We can take a break.

19 THE REPORTER: Off the record at 11:46.

20 (Recess from 11:46 a.m. to 12:57 p.m.)

21 THE REPORTER: We are back on the record at
22 12:57 p.m.

23 Q. (BY MR. HIROSHIGE) Now, Ms. Beckham, earlier
24 today we were talking about how the health department
25 can issue guidelines for charitable food service events,

Renee Beckham

February 13, 2025
Page 106

1 right?

2 A. Yes.

3 Q. And the health department presents those
4 guidelines during its food handling training courses?

5 A. Yes.

6 Q. And again, that course for the individuals or
7 groups who want to register in the voluntary charitable
8 food service provider program?

9 A. Yes. Uh-huh.

10 Q. I'm going to hand you what we marked as Exhibit
11 No. 40.

12 (Exhibit No. 40 was marked.)

13 Q. (BY MR. HIROSHIGE) At the top you can see this
14 is an e-mail sent by you, Ms. Beckham; is that right?

15 A. Yes.

16 Q. Okay. And it was sent on Wednesday,
17 February 24th, 2021?

18 A. Yes.

19 Q. And you sent this e-mail to someone named
20 Latoya Brown?

21 A. Right.

22 Q. Okay. And I'll just read your e-mail here. It
23 says "Good evening, Ms. Brown. Thank you for
24 participating in the charitable feeding (feeding the
25 homeless) virtual training session on February 20.

Renee Beckham

February 13, 2025
Page 107

1 Attached is your certificate, guidelines, and the
2 presentation."

3 Did I read that correctly?

4 A. Yes.

5 Q. So after an individual participates in the
6 voluntary food handling training course, the instructor
7 will send them a copy of their certificate, health
8 department's guidelines, and the presentation from the
9 course; is that right?

10 A. Yes.

11 Q. And you said this before, but the food handling
12 course is around two hours long?

13 A. Yes.

14 Q. Okay. And in this e-mail do you see that there
15 are attachments to the e-mail?

16 A. Yes.

17 Q. And the first one is L.Brown.pdf. The next one
18 is Charitable Guidance Doc-nm 002 revAUG2020.pdf. And
19 the next one is Charitable Feeding PPwCOVID19.pdf?

20 A. Yes.

21 Q. And do you understand these to be the
22 certificates, the guidelines, and the presentation?

23 A. Yes. Uh-huh.

24 Q. Okay. Now I'm going to hand you what I marked
25 as Exhibit No. 41.

Renee Beckham

February 13, 2025
Page 108

1 (Exhibit No. 41 was marked.)

2 Q. (BY MR. HIROSHIGE) Do you recognize this
3 document?

4 A. Yes.

5 Q. And this is the guidelines -- strike that.

6 So this is the health department's
7 guidelines for charitable feeding that it provides to
8 people that take the food handler course?

9 A. Yes.

10 Q. And if you turn the document over and then look
11 at the bottom.

12 A. Yes.

13 Q. Do you see how it says revfeb2020?

14 A. Yes.

15 Q. Okay. And so to your understanding, this
16 handout was last revised -- sorry. To your
17 understanding, this handout was last revised
18 February 2020, right?

19 A. Yes.

20 Q. And now can you turn it back to the front page?

21 A. Yes.

22 Q. And under -- do you see where it says
23 "Ordinance Overview" in orange font?

24 A. Yes.

25 Q. And the first bullet point under there says

Renee Beckham

February 13, 2025
Page 109

1 "The ordinance does not prevent food preparations
2 conducted in facilities not permitted as food
3 establishments (homes, community centers, churches);
4 however, some locations may have a Food Dealer's
5 Permit."

6 Do you see that?

7 A. Yes.

8 Q. Did I read that correctly?

9 A. Yes.

10 Q. Okay. And so the ordinance does not prevent
11 people from preparing food for charitable food service
12 events in their own homes?

13 A. Right. It does not.

14 Q. Okay. And the health department's guidelines
15 do not prevent people from preparing food for charitable
16 food service events in their own homes, right?

17 A. No, it does not.

18 Q. Okay. And again, under -- do you see the third
19 bullet point underneath "Ordinance Overview"?

20 A. Yes.

21 Q. And again, it lists the four basic steps for --

22 A. Yes.

23 Q. And again, these are the four basic steps for
24 people participating in the voluntary program, right?

25 Right?

Renee Beckham

February 13, 2025
Page 110

1 A. Yes.

2 Q. Okay. Now, at the time you sent this handout
3 in February of 2021, did the health department have any
4 requirements for approved charitable food service
5 locations on City of Houston property?

6 A. No.

7 Q. Okay. And you can take a moment to review
8 this. And my question is this handout does not list any
9 requirements for approved charitable food service
10 locations on City of Houston property, right?

11 A. Right.

12 Q. Now I'm going to hand you what I marked as
13 Exhibit 42.

14 (Exhibit No. 42 was marked.)

15 Q. (BY MR. HIROSHIGE) Can you turn with me to the
16 very last page of -- actually -- and then you -- if you
17 actually go to the page right before that, City of
18 Houston 110290.

19 Are you there?

20 A. Uh-huh.

21 Q. You see at the very bottom of this page there's
22 an e-mail from you, Ms. Beckham?

23 A. Yes.

24 Q. Okay. And it was sent on Tuesday,
25 February 7th, 2023?

Renee Beckham

February 13, 2025
Page 111

1 A. Yes.

2 Q. Okay. Now let's turn to City of Houston
3 110291. And -- so you sent this e-mail to David Opheim;
4 is that correct?

5 A. Yes.

6 Q. Who is David Opheim?

7 A. He was the health department's webmaster.

8 Q. Okay. And cc'd here is Christopher Sparks.
9 Who is Christopher Sparks?

10 A. He's the bureau chief. He's my manager.

11 Q. Okay. And so what is the role of a bureau
12 chief?

13 A. The bureau chief manages all the consumer
14 health services programs. So whether it's retail foods,
15 pools, mobile units -- all of those umbrellas that
16 follow under chief, he manages all of that.

17 Q. So does -- did -- in February of 2023, did
18 Christopher Sparks manage the three chief sanitarians?

19 A. Yes.

20 Q. Okay. And how many -- how many bureau chiefs
21 are there in the health department?

22 A. Well, in consumer, we only have one, one bureau
23 chief.

24 Q. Okay. And what's -- is there another
25 nonconsumer bureau chief?

Renee Beckham

February 13, 2025
Page 182

REPORTER'S CERTIFICATION
ORAL DEPOSITION OF
RENEE BECKHAM
TAKEN FEBRUARY 13, 2025

I, DONNA QUALLS, Shorthand Reporter and Notary
Public in and for the State of Texas, Notary ID
No. 12161359, hereby certify to the following:

That the witness, RENEE BECKHAM, was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the original deposition was delivered to
RANDALL HIROSHIGE;

That a copy of this certificate was served on
all parties and/or the witness shown herein on

_____.

I further certify that pursuant to FRCP No.
30(f)(i) that the signature of the deponent was
requested by the deponent or a party before the
completion of the deposition and that the signature is
to be returned within 30 days from date of receipt of
the transcript. If returned, the attached Changes and
Signature Page contains any changes and the reasons
therefor.

I further certify that I am neither counsel

Renee Beckham

February 13, 2025
Page 183

1 for, related to, nor employed by any of the parties in
2 the action in which this proceeding was taken, and
3 further that I am not financially or otherwise
4 interested in the outcome of the action.

5 Certified to by me this 28th day of February,
6 2025.

7 
8

9
10 DONNA QUALLS
11 Notary Public in and for
12 The State of Texas, Notary ID 12161359
13 My Commission expires 11/06/2026

14 Magna Legal Services
15 Firm Registration No. 633
16 16414 San Pedro, Suite 900
17 San Antonio, Texas 78232
18 (210) 697-3400
19
20
21
22
23
24
25